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SUBJECT: INTERNATIONAL MARITIME ORGANIZATION (IMO): REPORT OF THE THIRTY-THIRD SESSION OF THE COMMITTEE FOR THE FACILITATION OF INTERNATIONAL MARITIME TRAFFIC (FAL), LONDON, 3-7 JULY 2006.

¶1. SUMMARY: The thirty-third session of the IMO FAL met in London from 3-7 July 2006, under the chairmanship of Mr. C. Abela (Malta). The session was attended by delegations from sixty-six Member Governments, two Associate Member Governments, three Intergovernmental Organizations, and fourteen Non-Governmental Organizations. Three Working Groups (WG) were formed to address a number of the agenda items. All USDEL objectives were achieved. Accomplishments and outcomes of particular interest include the following:

¶1A. Issues related to security and facilitation of the movement of cargo containers. The Committee agreed to form a joint working group with the Maritime Safety Committee (subject to the final approval from the Maritime Safety Committee). The terms of reference for this group were finalized and the U.S. was able to modify them in a manner that serves U.S. as well as global interests in cargo security.

¶1B. The U.S. agreed to participate in an intersessional Correspondence Group to continue the work on the development of an explanatory manual to the Facilitation Convention, and to coordinate another Correspondence Group to finalize revisions to the IMO Compendium on Facilitation and Electronic Business. END SUMMARY.

¶2. GENERAL REVIEW AND IMPLEMENTATION OF THE ANNEX TO THE FAL CONVENTION. The Committee discussed in detail at plenary draft amendments offered by France, Spain, and the Netherlands to the Annex to the FAL Convention. The amendments were in the areas of the arrival, stay, and departure of ships, and the arrival, stay and departure of persons. Additionally, the Committee was advised of the status of intersessional correspondence group (CG) work on the development of an explanatory manual for the Annex to the Convention. Subsequently, the Committee established a WG to:

¶1A. prepare a consolidated text of the amendments to the FAL Convention; and

¶1B. continue work on the development of an explanatory manual, including preparing the Terms of Reference for a CG following FAL ¶33.

The WG (1) considered the proposals of the draft amendments to the Annex of the FAL Convention put forth by France, Spain, and the Netherlands, (2) continued developing the explanatory manual to the Annex, and (3) prepared the draft Terms of Reference for a CG. The WG was attended by 21 member states including the US, the European Commission, and four non-governmental organizations.

The proposed amendments to the Annex of the FAL Convention, in general, involved the addition of data elements for individuals on the crew list and passenger list, and the change/elimination of certain standards and recommended practices that relax ship reporting requirements. Additionally, the French and Spanish proposals included an immigration-related issue that would use the ILO Convention 185 Seafarers' Identification Document (SID) in place of a properly issued passport and visa document.

The WG did not support the Seafarers' Identification Document proposal. (NOTE: This issue was also debated at last session, FAL 132. END NOTE) Otherwise, the Contracting Parties were in agreement with the proposed changes and deletions to the Annex to the FAL Convention. The US delegation supported the outcome, which balanced the security and facilitation of the movement of crewmembers, passengers, and vessels. However, it should also be noted that the Contracting Governments and the representatives of the industry held a difference of opinion on the relationship between facilitation and security.

The recommended amendments were forwarded by the WG to plenary for either approval in FAL 34 or notation in FAL 34 with approval in FAL 135.

The Committee, upon receiving the report of the WG, vigorously debated the subject on the floor with over twenty delegations participating. The Committee decided to defer approval of these draft amendments until FAL 34, with a view to adoption at FAL 35. Additionally, the Committee approved the Terms of Reference for a CG on the development of an explanatory manual with a report due at FAL 134.

¶3. ELECTRONIC MEASURES FOR THE CLEARANCE OF SHIPS. The Committee instructed the WG to:

- (A) Revise the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15) based on the latest amendments adopted by the Committee;
- (B) Develop new or recommend adoption of existing Message Implementation Guidelines for exchange of information electronically on all FAL forms;
- (C) Develop a uniform ship's pre-arrival electronic message for security information contained in MSC/Circ. 1130;

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- (D) Ensure the exchange of information with a view to keeping the FAL Committee informed of relevant developments relating to electronic business in the area of maritime traffic;
- (E) Enable the development of the Single Window System;
- (F) Consider the WCO Framework of Standards to Secure and Facilitate Global Trade;
- (G) Consider the use of the WCO Data Model and Single Window Concept in view of the significant capacity building developments that are anticipated through broad global implementation of the adopted Framework;
- (H) Define proposals for the changes to procedures as a result of electronic exchange of information; actively follow the developments within international governmental and non-governmental bodies; and encourage the exchange of information between IMO and these bodies; and,
- (I) Identify ways and means to expand the use of electronic business.

The WG was chaired by Japan. Sixteen national delegations, including Hong Kong as an associate member and the WCO as an observer, participated in the WG. The WG began its tasks by discussing development of a pre-arrival message for security information. While there were many opinions expressed about the means for transmitting the information, it quickly became clear that the most critical need is for development of new data codes for security information. As a result, the WG decided to submit Data Maintenance Requests (DMR) to UN/CEFACT and other appropriate agencies for these data codes. The WG also reviewed the work of the Correspondence Group to incorporate into the FAL Compendium the amendments to the FAL Convention adopted at FAL 33. In doing so, the WG identified numerous inconsistencies in the Compendium, some resulting from the amendments to the Convention. The WG agreed to seek the Committee's approval to make revisions to the Compendium that exceed the original scope of the task to incorporate the recent amendments to the FAL Convention and to continue to finalize the revised Compendium. The WG also discussed enabling development of the Single Window Concept, including responding to requests for assistance by countries trying to transition to electronic business.

The USDEL provided a copy of UN Recommendation 33, Guidelines for Establishing a Single Window, and emphasized that information and

metrics on the capital requirements, operator skills, and maintenance costs would be valuable in helping those countries implement a Single Window Concept. While the WG focused on these three issues, in-depth discussions were also held on the other Terms of Reference items with the common theme that engagement with other governmental and non-governmental organizations, particularly with the World Customs Organization, is necessary for further progress in facilitating electronic business. The U.S. agreed to continue coordinating the intersessional Correspondence Group finalizing revisions to the Compendium and collaborating with the appropriate organizations to develop new data codes for security-related information.

14. SHIP/PORT INTERFACE (SPI) WORKING GROUP ACTIVITIES. The SPI WG was chaired by the U.S. and was attended by 22 Member States, 1 inter-governmental organization and 3 NGOs. The FAL Committee tasked the SPI WG to:

- (A) Complete the review of the Guidelines for the Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic and draft the associated resolution;
- (B) Review, from the viewpoint of FAL, the draft terms of reference for the MSC/FAL Working Group on the Security and Facilitation of the Movement of Closed Cargo Transport Units and of Freight Containers;
- (C) Consider the need to revised Standard 2.1 and advise the Committee accordingly;
- (D) Prepare a draft form for reporting denials and delays of radioactive materials and an analysis of the mechanism for using such reports;
- (E) Consider the scope of the guidance required to address such issues and draft the associated FAL Circular for approval by the Committee; and
- (F) Consider the need for a correspondence group and, if agreed, propose terms of reference and identify the coordinator.

The WG completed all tasks and reported out to the Committee.

The Committee approved the draft Revised Guidelines for the Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic and agreed to send them to MSC 82 for adoption, with a view towards adoption by FAL at its next meeting.

The Committee agreed to create a Joint Maritime Safety Committee (MSC)/FAL Working Group to consider, if appropriate, amendments to

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the SOLAS, FAL Convention and ISPS Code related to the security and facilitation of the movement of closed cargo transport units and freight containers, based on the World Customs Organization (WCO) SAFE Framework of Standards and supply chain security standards of other international bodies. The Committee adopted terms of reference for this joint working group. These terms of reference recognize that the rights of Customs and other public authorities should not be compromised. This particular item was the result of vigorous participation by the U.S. in the working group and in plenary session.

Subject to approval by the MSC at its 82nd Session from November 29 to December 8, 2006, the Joint MSC/FAL Working Group will meet during that Session and also during the next FAL Session in March 2007. The FAL Committee agreed to urge all national governments to submit proposals for consideration by this Joint Working Group.

The Committee agreed to a form developed by the SPI Working Group for reporting denials and delays in the shipment of radioactive material and approved the establishment of an intersessional correspondence group on a mechanism within IMO for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, under the coordination of Canada. The intersessional correspondence group will prepare a working process by which IMO, in cooperation with IAEA, will monitor, facilitate, and coordinate the resolution of difficulties identified in the carriage of IMDG Code class 7 radioactive materials. The group will also integrate the form entitled "Report on Difficulties Encountered in Relation to the

Carriage of IMDG Code Class 7 Radioactive Materials" and wording related to Cobalt-60 being used in medical or public health applications as it may appear on the dangerous goods declaration.

The Committee approved a FAL Circular on difficulties encountered in the shipment of dangerous cargos, in particular sporting ammunition and related components. The intent of the Circular is to foster the alleviation of the difficulties encountered in the shipment of this class of dangerous goods (IMDG 1.4S).

15. CHAIRMAN/DATE AND LOCATION OF NEXT MEETING. The Committee unanimously re-elected Mr. C. Abela (Malta) as Chairman and elected Captain A.E. Hill (Liberia) as Vice-Chairman for 2007. The thirty-fourth session of the Committee is tentatively scheduled for 26-30 March 2007, at the International Coffee Organization (ICO). The ICO is located at 22 Berners Street, London W1T 3DD. The change in venue to the ICO for the next session of the FAL Committee is due to the refurbishment of the IMO Headquarters Building.

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